

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X

BRIAN FORD

CIVIL ACTION NO.:

1:19 CV 6327

Plaintiff,

against

THE NEW YORK CITY BOARD OF EDUCATION
(a/k/a the Department of Education)
Carmen Farina, in her official capacity as Chancellor,

Defendant.

X

PROPOSED CASE MANAGEMENT PLAN FOR PRO SE CASE

1. **Summary of Claims, Defenses, and Relevant Issues.**

Plaintiff/Defendant (circle one)

FIRST CAUSE OF ACTION Retaliation for Special Education Advocacy Under the Americans with Disabilities Act of 1990 (ADA) and/or the Rehabilitation Act of 1973 (RA)

SECOND CAUSE OF ACTION Discrimination Under Age Discrimination in Employment Act of 1967 (ADEA)

THIRD CAUSE OF ACTION A Pattern of Due Process Violations, including false testimony under oath and deliberate spoilation of evidence at the School level, District Level, DOE level and during the Administrative

Hearings held under Treatment contrary to the National Labor Relations Act of 1935 (NLRA)

FOURTH CAUSE OF ACTION Retaliation and Other Treatment contrary to NLRA, other relevant statutes

FIFTH CAUSE OF ACTION The DOE systematically failed to protect my due process rights, thus constituting Age Discrimination under ADEA and violating the NLRA and other relevant statutes, including, if deemed applicable, the Racketeering Influenced and Corrupt Organizations (RICO) act of 1970

2. **I understand my obligation to and am preserving relevant information.**

Plaintiff/Defendant (circle one)

3. **Proposed Schedule**

All discovery should be completed by June 4, 2021

a. **Depositions:** Depositions shall be completed by May 7, 2021 Neither

b. party may take more than 6 depositions. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.

- c. Initial Requests for Documents must be made by _____ Feb 1, 2021 _____
- d. Responses to Requests for Documents must be made by March 5, 2021 _____
- e. Documents from third-parties (such as doctors) will/will not (circle one) be required. If required, the following are the third-parties from whom Documents will be requested.
- I was somewhat surprised to see that the DOE was asking for my medical records.
- ~~I don't anticipate asking for anyone's medical records, but~~
would like to reserve right to do so if I find later that it is relevant.
- f. Subpoenas requesting Documents from third-parties must be served by _____ March 31, 2021 _____. Documents obtained from third-parties must be provided to all parties in this matter.
- g. There will/will not (circle one) be expert testimony in this case. If expert testimony will be needed, please describe the topic on which the expert(s) is expected to testify
- Special Education - Law, ramifications of not following mandates, NY State procedures
- Expert testimony on education -- education reform, effect of evaluation systems on school function
- Expert testimony -- effect of changes in remuneration and changes in disciplinary systems on school function, teacher recruitment, quality of public education

4. Early Settlement or Resolution

The parties have have not (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than Feb 10, 2021. The following information is needed before settlement can be discussed:

5. Other Matters

Plaintiff(s)/Defendant(s) (circle one) wish to discuss the following additional matters at the Initial Case Management Conference.

1. Multiple FOIA requests sent to DOE, one denied, one postponed, third just initiated

2. What actions, if any, has DOE taken on complaints regarding the following, and

possibly bringing Sanctions Motion regarding the following:

- False Testimony and Spoilage of Evidence (shredding) by Principal (letters to DOE, Feb 2018)
- Evidence Tampered with prior to submission to Advance
- Contradiction between Denial Letter for Appeal of Ineffective Rating (letter to DOE)
- OSPRA complaint dated Jan 2018.

3. Possibly Amending Complaint, reasons including to account for developments in NYCourts (eg AD 5 Nov 2020), status of credibility judgments or if I am able to obtain representation

4. How to establish merits in a timely fashion so that I might at least be considered for Pro Bono program and avoid Catch 22 of having to prove merits without legal help.

Respectfully submitted this 1st day of December, 2020

Brian Ford

Name

Brian Ford

Address

19 W. 110th Street, #45

Phone number

646 713 8285

Email

bpford1@gmail.com

Party representing (if applicable)

